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WASHINGTON, DC 20510-3405

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The Honorable Michael D. Brown
Under Secretary of Emergency Preparedness and Response
Department of Homeland Security
Washington, DC 20528

Dear Mr. Brown:

As you know, the City of Grand Forks and the Army Corps of Engineers have been working together since 1998 on the construction of a comprehensive flood prevention project. At a total cost of \$393 million, this project is scheduled for completion in late 2005 or early 2006. As a result of this project, the need for mandatory flood insurance will be reduced or eliminated for many residents of the Grand Forks area.

Even while construction on this project continues, the Federal Emergency Management Agency (FEMA) has insisted on implementing a new floodplain map for the Grand Forks area. However, this new map does not reflect the ongoing flood prevention project, nor does it reflect the post-construction floodplain.

In fact, FEMA is now drawing lines for a new floodplain that pretends there is no flood control project under construction. I think this defies common sense.

FEMA has indicated it wants to implement this new map in mid-2005, just months prior to completion of the project. Implementing a new map, which would be outdated within months, is very troubling. FEMA's insistence on requiring over 11,000 additional homeowners to purchase federal flood insurance, at an annual cost of millions, seems like a pointless additional economic hardship for the residents of this community.

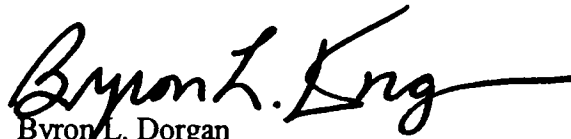
Besides the absurdity of implementing a new map that will become outdated within a matter of months, FEMA's insistence seems to me to be contrary to federal statute. According to 42 U.S.C. 4024, the Director of FEMA is required to consult with other departments and agencies of the Federal Government in order "to assure that the programs of such agencies and the flood insurance program...are mutually consistent."

A basic reading of this provision indicates FEMA must consult with the Army Corps and take into account the ongoing flood prevention project, before implementing a new map, to ensure the two programs are mutually consistent with one another. Implementing a new floodplain map just months prior to the completion of a major flood control project doesn't seem to me to be "mutually consistent." It's clear to me that you have the authority under the law to delay the implementation of a new floodplain map until the Corps of Engineers has completed this flood control project.

Because the law contemplates that your actions be "mutually consistent" with those of other agencies, I believe you should postpone the mapping of the new floodplain while construction of the project is underway. I request that you take action to formally defer any work on a new floodplain map until the Army Corps has finished construction of the Grand Forks flood control project.

I look forward to your prompt response.

Sincerely,

A handwritten signature in black ink, reading "Byron L. Dorgan". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Byron L. Dorgan
United States Senator